THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 23401 of 1998

DATED: 19.07.2006

Between:
K.Sivaiah and others.

... PETITIONERS

AND

The Nizam's Institute of Medical Sciences and others.

... RESPONDENTS

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 23401 of 1998

ORDER:

The petitioners were engaged as security guards by the first respondent in December 1997. Through proceedings, dated 10.08.1998, the first respondent informed the petitioners that it has been decided to dispense with the services of all the security guards supplied by the Labour Contractor, with effect from 11.08.1998. The petitioners state that the first respondent did not follow the procedure prescribed under the Contract Labour (Regulation and Abolition) Act, 1970 (for short 'the Act'). It was alleged that the impugned order was passed, only with a view to engage other persons, in the place of the petitioners. Several other contentions have also been urged. No counter affidavit is filed by the respondents, so far.

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

While admitting the Writ Petition, this Court granted an order of interim suspension on 28.08.1998. Thereby, the impugned order became ineffective vis-à-vis the petitioners. It is not known as to whether the petitioners are being continued as of now, or whether there is any change in the pattern of engaging security guards. Be that as it may, if the petitioners are continuing

as security guards, the first respondent shall be entitled to dispense with their services, only after following the procedure prescribed under the Act. In case, the petitioners are not continuing in service, no steps need to be taken, as such.

The Writ Petition is disposed of, accordingly. There shall be no order as to costs.

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19.07.2006

Jsu